



Legislative Bulletin

January 15, 2018

Hot topics

Voting Rights Act bills heard – Senate committee passes substitute

The bills may impact how city elections take place, citywide or divided by voting district. We expect that a bill will pass this session.

From the Director

Short session - Little time to solve big issues

The pace of work at the Legislature has accelerated quickly in the first week. Learn about issues impacting cities, including the capital budget, addressing stress-related diseases for public safety personnel, combating opioid and chemical dependency addiction, tools to address affordable housing shortages, and preparing for the deployment of new broadband and cellular technology.

Media time

City priority: Homelessness, housing, & human services

Urban and rural communities throughout the state are grappling with increasing challenges on our streets. The number of people experiencing homelessness is growing in many of our communities, spurred on by lack of affordable housing and a poorly-funded mental health and substance abuse system. Cities are struggling to solve these issues with limited resources. Watch this video where AWC Government Relations Advocate Carl Schroeder explores the problem and asks for assistance from the Legislature. Learn how you can help.

Cities and PUDs seek balance on cellular technology

Telecommunications companies are telling state lawmakers that cities and PUDs should provide them unfettered access to rights-of-way and utility poles. Read this HeraldNet op-ed, co-authored by Everett Mayor Cassie Franklin, to learn what's at stake, and why we need to balance advanced technology with the interests of our communities. Want more background information? Check out this AWC video about proposed legislation and learn what is a small cell.

Things you can do

Are you ready for City Action Days?

Do these three things before you arrive:

- **Make appointments to meet with your legislators.** The best day to do this is Thursday, January 25.
- **Invite legislators to the Legislative Reception.** Ask your legislators to join you at the Legislative Reception on Wednesday, January 24. Check the conference schedule for details.
- **Contact the media to tell them why you're coming.** It is important you use the media to let constituents and state decision makers know what your city needs. Remind them of AWC's Legislative Priorities as well as your city's legislative agenda. Let them know you'll be amongst 350 other city officials in Olympia to tell legislators that strong cities make a great state.

What you need to know

Energy

Bill proposing elimination of the statutory limit for net metering raises concerns for city electric utilities.

Economic development

Bill would expand eligibility for nonprofits, but of concern, limits city access to Main Street Program.

Environment & land use

HB 1740 would extend an expiring tool that promotes development around transit stations.

Housing

Two new affordable housing proposals get hearings: a state sales tax credit with revenues used for affordable housing purposes, and a property tax abatement program for accessory dwelling units.

Document recording fee bill gets public hearing. AWC supports this proposal that will bring more revenue to address homelessness.

Bill would allow for complete deferral of impact fees for low income housing and specify complete exemption for homeless shelters.

Bill would provide multifamily property tax exemption for unincorporated UGAs in most populous counties, a tool that is currently available only in certain cities.

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Bill would require a city to provide a two-times density bonus to low-income housing developments on lands owned by religious institutions.

Human services

Bills from Governor and Attorney General addressing opioid crisis set for hearings. AWC to express general support for action to deal with this crisis.

Infrastructure

AWC supports bill to clearly authorize cities to utilize unit-priced contracts for public works.

Cities oppose bill that would add new reporting requirements on public works projects.

AWC supports bill aimed at improving participation by minority and women-owned businesses in public works contracts. The bill also raises project cost thresholds for small-works roster and limited public-works processes.

Marijuana

A trio of marijuana bills that impact cities will be heard in the House on Monday afternoon. The Commerce and Gaming Committee will hear bills on home grow, delivery of medical marijuana, and preemption of local governments on medical marijuana co-ops.

Personnel

House and Senate committees will hear three bills seeking to significantly expand presumptive occupational disease coverage for police and fire personnel.

Wrongful death bill will be heard in the Senate on Thursday. AWC opposes this bill, and its companion in the House, as it would significantly increase a city's liability and costs associated with these claims.

Draft rules on the Paid Family Medical Leave program are now available for comment. Cities are encouraged to review and provide comments.

Transportation

AWC supports bill that requires railroads to give notice to communities when planning actions.

Telecommunications

Two bills related to local permitting of small cell facilities will have hearings on Thursday. House bill contains new approach incentivizing action by cities.

From the Legislative Director

continued

Short Session - Little time to solve big issues

The opening week of this “short” legislative session began with the new Senate Democratic majority getting settled and the Governor delivering his annual State-of-the-State address where he outlined his priorities. The pace of work accelerated as committees heard numerous important city issues, with even more teed up for committee or floor consideration this week.

Like every other year, the legislative session runs for a continuous 60-days, and this includes holidays like today’s Martin Luther King Jr. Day. The holiday will not go unnoticed, as King’s legacy is celebrated under the Capitol dome before the workday begins.

Dominating much of the session so far has been whether or not a bipartisan agreement can be reached quickly to address the Hirst water rights standoff, which Republicans have used to block passage of a capital budget. AWC has been one of many interests working to help find a solution to this year-old impasse. Cities want this resolved and a \$4.3 billion capital budget quickly passed so that critical housing, school, and infrastructure projects can be built, including \$100 million to fund Public Works Trust Fund projects.

House and Senate committees both heard and considered bills aimed at enhancing the ability of citizens to register, vote, and be represented. For AWC, our focus has been on bills in each chamber that would (1) authorize any city to choose to have district voting for council positions in general elections (which we strongly support), and (2) what happens and how it’s resolved if one or more classes of voters believe that they don’t have an equal opportunity to elect their preferred candidates. Solutions to this later issue have been debated and stalled for several years and now with the change in leadership in the Senate, we expect something to pass and we are working to share input with proponents on how best to structure a process.

Fiscal committees in both chambers were briefed on the Governor’s ideas for a supplemental operating budget, something he’s required to submit with his ideas on how to “tweak” and/or improve upon the biennial budget recently adopted. As expected, much of the attention centered on issues surrounding K-12 education funding and human service needs. AWC used our two minutes to testify and highlight our ideas - awcnet.org/portals/0/documents/legislative/govbudgetcityissues.pdf.

Hearings on important city issues are coming up this week relating to things like new standards and responsibilities for addressing stress-related diseases for public safety personnel, a number of ideas on how to help combat opioid and chemical dependency addiction, tools to help address affordable housing shortages, and at least two different ideas on how cities can address deployment of broadband and new cellular technology. We also anticipate and hope there will be forward progress on a capital budget.

The pace continues to pick up as committees aim to move their priorities forward by early February for consideration and action in each chamber. AWC looks forward to welcoming more than 350 city officials coming to town for our City Action Days conference on January 24–25. Attendees will hear from numerous legislators, state leaders and other interest groups, and will have the opportunity to meet and mingle with their own representatives to share their views and priorities. We will be sharing our newest edition of our popular Pocket Guide offering tips and suggestions on how best to engage and contribute to the sausage-making process here in Olympia, and will make it available online and in print for those who’d like one. It’s designed to provide tips on how you can influence what happens here even from the comforts of home.

Cannabis

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A trio of marijuana bills that impact cities will be heard in the House

The House Commerce and Gaming Committee will hear marijuana-related bills on Monday, January 15 at 1:30 pm. AWC has significant concerns with how these bills would impact cities:

Preemption of local governments in regulating medical marijuana co-ops (HB 2471) – Sponsored by Rep. Steve Kirby (D-Tacoma), this bill would prohibit cities and towns from regulating medical marijuana cooperatives unless expressly granted authority from the state.

Home grow of recreational marijuana (HB 2559) – Sponsored by Rep. Brian Blake (D-Aberdeen), this bill would allow each housing unit to grow up to six marijuana plants and harvest up to 24 ounces of useable marijuana. The bill does not prevent a landlord from prohibiting home grow in the lease. The bill contains no state or local government oversight of the home grow operations.

Home delivery for medical marijuana (HB 2574) – Sponsored by Rep. Shelby Kloba (D-Kirkland), this bill establishes a medical marijuana delivery endorsement to a marijuana retailer's license that authorizes the retailer to make deliveries to a qualifying medical marijuana patient. The delivery must be made to a private residence or lodging business. The Liquor and Cannabis Board would implement and administer the program.

We are monitoring these bills. Please contact Logan or Shannon with any questions or concerns.

Economic development

Bill would increase, but limit access to Main Street Program

HB 2462, Rep. Jacquelin Maycumber (R-Republic), would expand, but also limit, eligibility of the state's Main Street Program. The Main Street Program helps communities revitalize the economy, appearance, and image of their downtown commercial district.

HB 2462 would make eligible a nonprofit organization whose mission centers around economic development. Currently only nonprofits with a mission solely dedicated to downtown or neighborhood revitalization are eligible. However, the bill also places limitations and restrictions on eligibility, namely, programs must be located in rural counties and may not have had a main street program designated within the same county on or before December 31, 2017.

AWC supports legislation that supports the Main Street Program, but we have concerns that this bill limits municipal eligibility. The bill is scheduled for public hearing in the House Community Development, Housing & Tribal Affairs Committee at 8 am on Wednesday, January 17.

Environment & land use

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Religious property zoning bill comes back

HB 1987 sponsored by Rep. Joan McBride (D-Kirkland) requires a city to provide a two-times density bonus to low-income housing developments that are proposed on lands owned by religious institutions.

Rep. McBride has expressed an openness to amending her bill to soften the requirement – cities would still be asked to provide a density bonus but it would only have to be “consistent with local needs.” We hope this will provide sufficient flexibility to make this requirement workable for cities. If you have concerns about this approach, please contact Carl Schroeder.

The bill is scheduled for public hearing in the House Community Development, Housing & Tribal Affairs Committee at 10 am on Tuesday, January 16.

Extending and amending transit-oriented SEPA tool

HB 1740 sponsored by Rep. Joan McBride (D-Kirkland) would extend an expiring tool that promotes development around transit stations. This tool provides a safe harbor from State Environmental Policy Act (SEPA) appeals for projects that are consistent with an adopted comprehensive plan. In addition to extending the tool for another 10 years, it adds some new responsibilities for affordable housing for projects taking advantage of this program.

The bill is scheduled for a public hearing in the House Appropriations Committee at 3:30 pm on Monday, January 15. Please contact Carl Schroeder if you have any concerns.

General government

Voting Rights Act bills heard—Senate committee passes a substitute bill

Both the House and Senate heard bills during the first week of session that could change whether your city council elections take place citywide or are divided by voting district. The bills would also allow claims alleging a violation under the Act to be brought in state court.

As we’ve shared previously, AWC has monitored versions of these bills during the past few years. We expect that a bill will pass this year as the topic is a priority for Democrats and the Governor.

Hearings in both chambers drew many who testified in support of the proposals. The legislators also heard testimony from those who had concerns with how the Act would be implemented if passed, including testimony from AWC. Highlights from AWC’s testimony include:

- We support bill provisions that provide cities with voluntary authority to change their election system to address potential concerns – authority that is not currently available to code or second class cities.
- Cities support longer notice timelines and requirements to allow jurisdictions to address identified concerns and potential remedies provided to the city before a legal challenge is filed.
- We appreciate “safe harbor” provisions that prevent a jurisdiction from being sued within four years if the jurisdiction has made changes in response to a court-ordered remedy under the Act.
- We have concern with bill provisions that create an assumption of violation and an unprecedented burden of proof on jurisdictions as they attempt to remedy an

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alleged violation.

- We are concerned that smaller cities and towns will find it difficult to either divide into districts or to fill council seats from such small districts.

Both bills, **HB 1800** and **SB 6002**, were scheduled for executive session on Friday morning. Each committee received several amendments and proposed substitutions. The Senate State Government, Tribal Relations & Elections Committee passed a substitute version of **SB 6002**.

The House Committee on State Government, Elections & IT took no action Friday but has scheduled **HB 1800** for executive session on Tuesday, January 16 at 8 am.

Stay tuned as these bills will continue to get early attention in the session. Please contact Shannon McClelland with any questions or concerns.

Housing

Document recording fee bill gets public hearing

AWC has been supporting proposals to increase the real estate document recording fee. Revenue from that fee supports state and local efforts to address homelessness. The primary proposal this year, **HB 1570**, is up for hearing on Wednesday, January 17 at 3:30 pm in the House Appropriations Committee.

Please let your legislators know about the importance of directing additional resources to homelessness response, especially if they are members of the House Appropriations Committee.

Impact fee deferrals for low-income housing

Current law authorizes cities to provide a reduction in impact fees for affordable housing, but requires replacement of those deferred funds with revenues from other sources if more than 80 percent of the impact fee is waived. **HB 2538** would eliminate the requirement to replace funds from other sources, and clarify that homeless shelters do not trigger requirements for impact fees. AWC is supporting this proposal from the City of Kirkland.

The bill is scheduled for a public hearing in the House Community Development, Housing & Tribal Affairs Committee at 1:30 pm on Thursday, January 18.

Bill would provide multifamily tax exemption for unincorporated UGAs

HB 2607 by Rep. Morgan Irwin (R-Enumclaw) would extend the authority for a multifamily property tax exemption to the unincorporated Urban Growth Areas (UGAs) of counties “seeking to promote transit supportive densities and efficient land use proximate to transit corridors...” In the past, some cities have expressed concerns about the ramifications of providing this tool to counties because it would create an incentive for denser development outside of cities, and could create a negative competition for the type of development most appropriately suited to cities.

The bill is scheduled for public hearing in the House Environment Committee at 1:30 pm on Tuesday, January 16. Please let Carl Schroeder know if you have concerns about this proposal.

New affordable housing proposals get hearings

HB 2437 is a significant new proposal from Rep. June Robinson (D-Everett) that

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would provide a local option 0.025 percent credit against the state sales tax for affordable housing purposes. Counties would be given the first choice, and if they do not choose to use the option, it would then be provided to cities. Funds could be bonded against, and used for the acquisition, construction, maintenance, or operations of affordable housing, as well as rental assistance or to provide services within supportive housing.

AWC is strongly in favor of this bill. It is scheduled for a public hearing in the House Finance Committee at 3:30 pm on Tuesday, January 16. AWC encourages participation from cities, particularly elected officials who would like to share their support at the hearing.

HB 2480 is a new proposal from Rep. Joan McBride (D-Kirkland) which would authorize cities to establish a six-year property tax abatement program for affordable attached accessory dwelling units (ADUs) or detached accessory dwelling units (DADUs). This is a creative proposal that may encourage more infill with ADUs or DADUs and seems worthy of our support.

The bill is scheduled for public hearing in the House Community Development, Housing & Tribal Affairs Committee at 10 am on Tuesday, January 16. Please share your thoughts on this bill with Carl Schroeder.

Human services

Bills to address the opioid crisis set for hearing

Governor Jay Inslee and Attorney General Bob Ferguson have both introduced a package of legislation attempting to deal with the opioid crisis. These proposals (SB 6150, SB 6050, SB 6028) contain a host of policy initiatives, some with competing approaches. These include, among other items:

- Prescription drug monitoring programs;
- Restrictions on the number of opioids that can be prescribed at one time;
- Creation of state rapid response teams for regions facing the epidemic; and
- Standing orders for prescription of opioid overdose reversal medications.

We are aware that some of these provisions are controversial and there are questions about their workability from the medical community. AWC will be expressing support for the state taking bold action to tackle this crisis, and will attempt to avoid debate on the technicalities. Please let Carl Schroeder know if you have particular concerns or points of emphasis on these issues.

All of these bills are scheduled for public hearing in the Senate Health & Long Term Care Committee at 10 am on Monday, January 15.

Infrastructure

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AWC supports bill aimed at improving participation by minority and women-owned businesses in public works contracts

The primary aim of **HB 1897** is to improve participation by minority and women-owned and controlled businesses in public works contracts. It does this by:

- Requiring the Office of Minority and Women's Business Enterprises (OMWBE) to annually identify state agencies and educational institutions with low levels of participation by minority and women-owned businesses in the execution of public contracts.
- Moving enforcement of compliance with certain requirements regarding contracts with minority and women-owned businesses from the Attorney General to the OMWBE.
- Modifying small-works roster and limited public-works process requirements which can allow more projects to go to smaller minority and women-owned businesses. Specifically, it raises the project-cost threshold for the small works roster process from \$300,000 to \$500,000 and the project-cost threshold for the limited public works process from \$35,000 to \$150,000.

It is this last provision that is particularly helpful to cities since these smaller project public works processes are less administratively burdensome for cities and contractors. AWC registered our support for the bill at the public hearing on January 10.

Bill to allow cities to utilize unit-priced contracts up for public hearing

A city-supported bill, **SB 6143**, Sen. Dean Takko (D-Kelso), has been scheduled for public hearing in the Senate Local Government Committee on Tuesday, January 16 at 1:30 pm. **SB 6143** would clearly authorize cities to use unit-price contracting.

As spelled out in the bill a unit-priced contract is "a competitively bid contract in which public works are anticipated on a recurring basis to meet the business or operational needs of a city, under which the contractor agrees to a fixed period, indefinite quantity delivery of work, at a defined unit price, for each category of work."

Cities oppose bill that would add new reporting requirements on public works projects

HB 2407, Rep. Jacquelin Maycumber (R-Republic), has introduced a bill that would require cities to report to the Legislature when a contractor uses materials purchased out-of-state. Cities recognize we have a duty to be accountable and transparent with the public and the Legislature when it comes to our public works practices, but we do have several concerns with the bill as drafted. Notably:

- The bill assumes owners make material purchase decisions, which we do not. This is done by the contractor. In most circumstances we would not have information about why a purchase was made, so we would not be able to supply that information.
- This bill is in a section of current law that deals with "original estimates," but then asks for a report related to actual procurement. The procurement can happen years after an original estimate is developed.
- If the intent of the bill is to increase in-state purchasing, we do not see this bill incentivizing that. We only see it as creating an additional expense for the city, and ultimately, the taxpayer, because of the work required to generate a new report.

AWC testified in opposition to the bill on Friday, January 12 in the House Capital Budget Committee.

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Personnel

Senate version of wrongful death bill will be heard on Thursday

Sen. Bob Hasegawa (D-Seattle) is sponsoring SB 6015, the companion bill to the wrongful death bill, **HB 2262**, heard in the House last week.

The bill would amend the current wrongful death statutes in a few important ways:

- Removes dependency requirements for claimants;
- Allows parents to bring an action for children over 18 years old;
- Expands noneconomic covered damages; and more.

AWC opposes this bill as it would significantly increase a city's liability and costs associated with these claims. The bill will be heard in the Senate Law & Justice Committee on Thursday, January 18 at 10 am. The House version is scheduled for executive session in the Judiciary Committee at 1:30 pm the same day.

Contact: Loan Bahr or Shannon McClelland.

First responder presumptive disease bills to be heard in the House and Senate

On Monday, January 15 at 1:30 pm, House and Senate committees will hear three bills seeking to expand presumptive occupational disease for police and fire personnel.

HB 2633, sponsored by Rep. Beth Doglio (D-Olympia), expands presumptive disease coverage to fire investigators and adds the following new diseases:

- Strokes for fire personnel, if experienced within seventy-two hours of exposure to smoke, fumes, or toxic substances, or experienced within twenty-four hours of strenuous physical exertion in the line of duty.
- Heart problems and strokes for law enforcement officers, experienced within seventy-two hours of exposure to smoke, fumes, or toxic substances, or experienced within twenty-four hours of strenuous physical exertion in the line of duty. Heart problems are already covered for fire personnel.
- Five infectious diseases for law enforcement and fire investigators including HIV, hepatitis, meningococcal meningitis, mycobacterium tuberculosis, and methicillin-resistant staphylococcus aureus (MRSA). MRSA has been added for firefighters who were already covered for the other infectious diseases.
- Nine additional cancers for firefighters and investigators including mesothelioma, adenocarcinoma, stomach cancer, esophageal cancer, buccal cancer, pharynx cancer, nonmelanoma skin cancer, breast cancer, and cervical cancer.

HB 2633 will be heard in the House Labor & Workplace Standards Committee. Its companion SB 6213, sponsored by Sen. Kevin Ranker (D-Orcas Island), will be heard in the Senate Labor & Commerce Committee.

SB 6214, sponsored by Sen. Steve Conway (D-South Tacoma), creates a prima facie presumption for classifying post-traumatic stress disorder as an occupational disease for officers and firefighters. It will be heard along with **HB 2633** in the House Labor & Workplace Standards Committee.

AWC does not support this costly expansion of occupational disease presumption.

Contacts: Logan Bahr or Shannon McClelland.

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Paid Family & Medical Leave draft rules available for comment

The Employment Security Department (ESD) has released the first draft of rules on the state's new Paid Family and Medical Leave (PFML) program related to the topics of collective bargaining agreements, premium liability, and voluntary plans. The draft rules (https://pd-oth.s3.amazonaws.com/production/uploads/portals/289/forum/issue/5799/issue_asset/asset/8916/PFML_premium_CBA_and_voluntary_plan_rules_v2.pdf) are available for comment (www.peakdemocracy.com/portals/289/Issue_5799?cookies=detect) through March 13. Cities are encouraged to review and provide comments.

PFML rulemaking will continue throughout the year and you can follow the process on ESD's Paid Family and Medical Leave webpage at esd.wa.gov/paid-family-medical-leave. If you have questions, please contact Logan Bahr or Shannon McClelland.

Telecommunications

Two bills related to small cells to get hearings this week

The Senate Energy, Environment & Technology Committee will hold a public hearing on **SB 5935** at 10 am on Thursday, January 18. The hearing will be on a proposed substitute to the bill which will be released soon. **SB 5935** was originally introduced last year and was developed with significant input from local governments partially in response to an industry sponsored bill (**SB 5711**) that we strongly opposed.

The latest version of the proposed substitute that we were able to review would require cities with a population greater than 5,000 to enact a small cell facility deployment ordinance or policy that meets the requirements in the bill. We believe that the requirements are flexible enough to give cities the ability to adopt an ordinance or policy that meets their own needs. Only those cities that have been approached by a provider wanting to site small cells would be required to comply with this provision. Those cities that have already adopted appropriate policies or ordinances would not need to take additional action.

The proposed substitute will also contain provisions related to improving broadband access for underserved areas. When the substitute version of the bill becomes available it should be posted here.

The House Technology and Economic Development Committee will hold a public hearing on **HB 2592** on Thursday, January 18 at 1:30 pm. The bill, sponsored by the committee chair Rep. Jeff Morris (D-Mount Vernon) contains a new approach on this issue.

It would set up a program by which local governments who adopt permitting processes for small cell facilities or networks meeting certain criteria would be designated as "being investment ready for advanced and new wireless technologies." The Department of Commerce would be charged with reviewing submissions from local governments and maintaining an online list of those jurisdictions deemed to meet the criteria.

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This incentive approach is much preferable to the preemptive language we saw last year in **SB 5711**. Some of the qualifying criteria in this bill could dissuade some local governments from trying to achieve the “investment ready” designation. In particular there is language related to limits on charges for pole attachments (i.e. attaching small cell facilities to city-owned utility poles), and restrictions on permits for replacement and maintenance activities. It’s also unclear how passage of this bill would affect local governments that have already adopted or are nearing adoption of small cell ordinances or franchise/master permit processes. Those jurisdictions would need to assess if it is worthwhile to change course and/or go through the application process in order to attain the “investment ready” designation.

We encourage cities to read this bill and provide comments to Dave Catterson. Comments provided before noon on January 18 would be most helpful.

Transportation

Bill requires railroads to give notice to communities when planning actions

HB 2548, Rep. Dick Muri (R-Steilacoom), would require railroads to notify a community of a “planned action” when that action will have a “significant impact” on a community. The bill stipulates that the notice must:

- Come at least ten days prior to the planned action;
- Be in writing;
- Be a clear explanation of the action; and
- Give an estimate of the action’s timeline.

AWC supports this legislation. We believe it will help cities anticipate and plan for activities that impact our communities. The bill is scheduled for public hearing in the House Transportation Committee on Thursday, January 18 at 3:30 pm.

AWC Legislative Contacts

During the legislative session, AWC’s lobbyists often are unable to return your phone calls immediately. If you have a legislative or specific issue question, please request AWC’s analyst staff, or send them an email.

Call AWC at (360) 753-4137 or 1-800-562-8981

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